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June 3, 1992

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Ms. Donna R. Searcy, Secretary  
Federal Communications Commission  
Washington, D.C. 20554

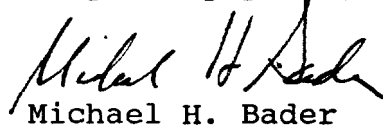
Re: MM Docket No.

Dear Ms. Searcy:

I transmit herewith on behalf of TV 14, Inc., licensee of television station WTLK-TV, Rome, Georgia, an original and four copies of its "Petition for Rule Making.

If there are any questions concerning this matter, kindly communicate with this office directly.

Very truly yours,

  
Michael H. Bader

MHBapp

Enclosures

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JUN - 3 1992

Before The  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

Federal Communica. and Comm.  
Office of the Secretary

In the Matter of )

)  
Amendment of Section 76.51 )  
of the Commission's Rules to )  
Include Rome, Georgia in the )  
Market Currently Designated )  
as the "Atlanta, Georgia" )  
Television Market )

MM Docket No. \_\_\_\_\_

To: Roy J. Stewart, Chief  
Mass Media Bureau

PETITION FOR RULE MAKING

TV 14, Inc. ("TV 14"), licensee of television station WTLK, Channel 14, Rome, Georgia, through undersigned counsel, respectfully requests that the Commission commence a rule making proceeding to amend Section 76.51 of the FCC's rules, 47 C.F.R. § 76.51, to change the designation of "Atlanta, Georgia" to "Atlanta-Rome, Georgia." As demonstrated below, this action is necessary in order to bring the FCC's major market television rules in line with the FCC's previous decision in TV 14, Inc., 6 FCC Rcd. 7234 (1991), and to dislodge the regulatory logjam between the FCC and the Copyright Office. In support of this petition, the following is demonstrated:

I. BACKGROUND

1. TV 14 has been the licensee of the Channel 14 facility since February, 1988. Rome is located within the Atlanta, Georgia Area of Dominant Influence ("ADI" No. 10), some 56 miles from Atlanta. WTLK places a City Grade signal

over Atlanta, and places a Grade B contour over the vast majority of the Atlanta television market. Five Atlanta stations place a Grade B or better signal over Rome, and the Grade B signals of the other Atlanta stations fall just short of Rome. The cable system serving WTLK's home community of license, Rome, carries six Atlanta television stations, including three independent stations, in addition to WTLK. Like it or not, WTLK has been forced to compete with the Atlanta stations since it initiated operations.

2. On December 14, 1990, WTLK requested a ruling from the FCC that it is a local station in the Atlanta area. Appended hereto as Attachment 1 is a copy of that request. Therein, WTLK noted the inequity of the situation, and highlighted the fact that viewers in Atlanta would be denied access to the highly innovative and minority-oriented programming of the station if the FCC did not rule that WTLK was local in Atlanta.<sup>1</sup>

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<sup>1</sup> WTLK was encouraged to file its December, 1990, Request based on the FCC's decision in Press Broadcasting Corp., 4 FCC Rcd. 8799 (1989), which arguably granted local status to a Clermont, Florida, station throughout the Orlando-Daytona Beach-Melbourne-Cocoa market. It was only upon reconsideration that the FCC stated that its decision was limited to Part 73 of its rules (the programming exclusivity provisions), and had no impact on Part 76 of its rules (including Section 76.51). Press Broadcasting Corp. (Reconsideration Order), 6 FCC Rcd. 6563 (1991). Further, in a decision issued shortly thereafter, the FCC stated that it would not provide interpretations of its former must-carry rules to a license in order to grant relief from increased copyright compulsory license fees. Longview Cable Television Co., Inc., et al., FCC 92-6, released January 22, 1992. In short, the FCC formally told the cable systems involved therein the same thing it had told WTLK -- that in matters concerning the old carriage rules,

3. After nearly a year, on December 3, 1991, the FCC released a Public Notice granting WTLK's request, stating:

The Commission has granted a request for a ruling by TV 14, Inc., licensee of television station WTLK, Channel 14, Rome, GA, that it be included in the Atlanta, GA, television market.

On December 10, 1991, the FCC released the full text of its Memorandum Opinion and Order ("MO&O") granting WTLK's request. 6 FCC Rcd. 7234 (1991). Appended hereto as Attachment 2 is a copy of the Public Notice and Memorandum Opinion and Order.

4. In response to this ruling, a number of Atlanta-area cable systems were uncomfortable claiming WTLK as a local signal for purposes of the compulsory copyright license under 17 U.S.C. § 111. Specifically, some pointed to the fact that even though the FCC found that WTLK was "unavoidably competitive" in Atlanta, the FCC did not formally amend Section 76.51 of the FCC's rules to re-hyphenate the Atlanta market. Without this, some cable systems contended, there was a question as to whether WTLK could be considered local for Atlanta cable systems.

5. On January 15, 1992, TV 14 filed a request with the Copyright Office to issue a declaratory ruling that given the clear signal from the FCC that WTLK was local in Atlanta for programming purposes, the Copyright Office should conclude that WTLK also is local in Atlanta for purposes of the Compulsory Copyright license. A copy of that letter is

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parties must seek relief from the Copyright Office.

appended as Attachment 3.

6. On May 15, 1992, the Copyright Office responded to this request, a copy of which as appended as Attachment 3. Therein, the Copyright Office noted that the FCC had not amended Section 76.51 since the must carry rules were struck down, and that

Were the FCC still updating its major market list, it is very likely that Rome would be added as part of the Atlanta market. Economic realities indicate that WTLK is a true competitor in the marketplace, and deserves to be considered on an equal footing with other stations currently operating in the hyphenated market. But while marketplace concerns and communications issues may ultimately have a bearing in a court of law as to the adequate and proper compensation due copyright owners for retransmission of their works, they do not affect the administrative task of the Copyright Office in applying the terms of the compulsory license.

Copyright Office letter, p. 2 (emphasis added).<sup>2</sup>

7. Simply put, the FCC essentially has told people like Press and WTLK that they must get relief from the Copyright Office, and the Copyright Office has told WTLK that it has to get relief from the FCC. Thus, WTLK now sits between the regulatory equivalent of Scylla and Charybdis.

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<sup>2</sup> In a Report filed with the Senate in March of 1992, the Copyright Office reached the same conclusion, noting that the failure of the FCC to modify Section 76.51 was "resulting in copyright consequences which defy logic and defeat the compulsory license's purpose of providing for just compensation for retransmission of broadcast programming." The Cable and Satellite Carrier Compulsory Licenses: An Overview and Analysis, March, 1992, p. 67. The Copyright Office further concluded that the Section 111 compulsory license, when applied to situations directly analogous to that faced by WTLK "often produce[s] illogical, outdated, restrictive responses to current conditions." Id., at p. 57.

**II. AMENDMENT OF SECTION 76.51  
IS THE ONLY MEANS LEFT OF GRANTING WTLK  
THE RELIEF IT DESERVES**

8. To date, WTLK has attempted for nearly eighteen months to get the government -- any branch of the government - - to grant it relief from the competitive disfunctioning of the Atlanta television market. Cognizant that Section 76.51 has little impact on what is left of the regulatory jurisdiction the Commission exercises over cable, and fully understanding the FCC's hesitation in the past to modify this moribund list, see [fill in cites], TV 14 has tried every other way possible to acquire the relief it so desperately needs. Now that the FCC has pointed its jurisdictional finger at the Copyright Office, and the Copyright Office officially has pointed its jurisdictional finger back at the FCC, TV 14 now must seek to modify Section 76.51.

**A. WTLK Previously Has Demonstrated That it Meets The  
Criteria for including Rome in the Atlanta Television  
Market**

9. In its December 14, 1990, request, WTLK demonstrated that it had met the criteria for formal rehyphenation, as set forth in Television Muscle Shoals, 48 RR 2d 1191 (1980), recon. denied, 87 FCC 2d 507 (1081); Major Television Markets (Orlando-Daytona Beach-Melbourne-Cocoa), 57 RR 2d 685 (1985); and Major Television Markets (Fresno-Visalia, California), 57 RR 2d 1122 (1985).

**1. Coverage**

10. As discussed above, WTLK places a City Grade Signal over Atlanta. The Grade B contour of WTLK substantially overlaps the contours of all the Atlanta stations. Coverage has been the key factor in determining whether a community should be treated as part of particular market. See Television Muscle Shoals, 48 RR 2d at 1193 (each community outside the Grade B contour of the other's stations resulted in the Commission refusing to rehyphenate the market); Major Television Markets (Orlando-Daytona Beach-Melbourne-Cocoa), 57 RR at 690-91 (1985); Major Television Markets (Fresno-Visalia, California), 57 RR 2d at 1124 (Visalia, approximately 40 miles from Fresno, added to the market because Fresno stations covered Visalia with a Grade B contour and vice versa).

**2. The Ratings Services Already Consider Rome to Be Part of the Atlanta Market**

11. The 1990 Arbitron list of television markets lists as the number 12 market "Atlanta (Rome)." Because viewing in Rome is dominated by Atlanta stations, Rome cannot exist as its own market, and the community is included not only in the geographic area of the Atlanta market (i.e. within the ADI), but also within its name on a parenthetical basis.<sup>3</sup>

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<sup>3</sup> This provides an additional reason to declare Rome officially part of the Atlanta market that did not even exist for the Clermont station in Press Television Corp. (The Orlando market is listed by Arbitron as "Orlando-Daytona Beach-Melbourne (Leesburg), Florida").

**3. The Atlanta Press Considers Rome to Be Part of the Atlanta Market**

12. TV 14 appended a number of articles to its December 14, 1990, request demonstrating that media outlets in Atlanta consider WTLK to be local in Atlanta. The Atlanta edition of TV Guide lists WTLK as a local station.

**4. Syndicators Charge WTLK Full Atlanta Prices For Programming**

13. As TV 14 pointed out to the Copyright Office, one of the key factors which has driven WTLK to seek relief is the fact that once WTLK moved its transmitter closer to Atlanta, syndicators began demanding full Atlanta rates for their programming. Syndicators, then, who should understand the workings of television markets as well or better than anyone, consider WTLK to be local in Atlanta.

14. Therefore, under all of the criteria set forth in prior cases, WTLK has fully proven that the Atlanta market should be rehyphenated to include Rome. The FCC's prior conclusion that WTLK is "unavoidably competitive" in Atlanta conclusively supports this finding.

**B. WTLK'S Diverse Voice Requires Protection Within The Atlanta Market**

15. In addition to the criteria set forth above, TV 14 further urges the Commission to take into consideration the diverse nature of the programming on WTLK, directed at the minority community in Atlanta. The station will not merely be the fifth independent in Atlanta, broadcasting whatever is



left of the marketable syndicated programming after the three network affiliates and four established independents (including powerhouse WTBS) have exerted their considerable economic and market power to purchase the prime syndicated programming. Instead, WTLK is moving toward a 24-hour per day all-talk television format, the first of its kind in the country, with a particular emphasis on minority public affairs programming. This attempt to better serve the public interest is presently thwarted by the fact that without cable carriage in Atlanta, WTLK cannot effectively compete for advertising revenues to support this expensive -- but critical -- format. Refusal to modify Section 76.51 to specify Rome as part of the market will result in the demise not only of the only television station licensed to Rome, but also the elimination of a highly diverse voice in the Atlanta market.

**III. IMMEDIATE ACTION IS NECESSARY  
IF WTLK IS TO REMAIN ON THE AIR**

16. As noted above, WTLK first sought relief from the FCC nearly 18 months ago, and continues to spin in a regulatory vortex. Action must be taken soon, or else the bureaucratic cross-winds surely will destroy the station. WTLK is cognizant that the FCC has previously subsumed requests for modification of Section 76.51 into its pending rule making proceeding in MM Docket 87-24 (the so-called "Syndex II" proceeding). Further Notice of Proposed Rule Making, 3 FCC Rcd. 6171, 6180, n. 15 (1988).

17. Yet the Commission has already concluded that it could act on WTLK's prior request outside of the context of that rule making proceeding, because the factual situation presented was not one involving the complex subtleties of exclusivity zones, but rather, was a clear-cut case of market dysfunction which required remedial action. "It would be counterproductive to put this station at risk by awaiting the completion of the pending rulemaking . . ." TV 14, at 7235. The same logic applies here. Given the "unique and limited sets of facts" in this case, there is no reason to hold up action on this request for a general rule making proceeding which does not appear anywhere near resolution. In short, the "safety valve" mechanism contemplated by the Court in WAIT Radio v. FCC, 418 F.2d 1153, 1157 (D.C. Cir. 1969), is applicable and even more justified here, 18 months later when relief still has not been granted.

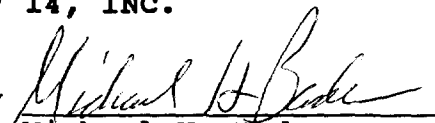
#### IV. CONCLUSION

18. WTLK continues to struggle in the untenable situation of having to compete directly against the other Atlanta stations without enjoying the benefits of being an Atlanta station (e.g. local status for cable carriage). The public interest is not served if the overshadowed nature of WTLK mandates that WTLK must fail.

**WHEREFORE,** the above-premises considered, TV 14 respectfully requests that the Commission amend Section 76.51 of its Rules to designate the Atlanta market as "Atlanta-Rome."

Respectfully Submitted,

**TV 14, INC.**

By   
Michael H. Bader

**HALEY, BADER & POTTS**  
2000 M Street, N.W., Suite 600  
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**ATTACHMENT 1**

**WTLK's December 14, 1990 Request For  
Declaratory Ruling**

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LARRY D. SUMMERVILLE  
BROADCAST ANALYST

ANDREW G. HALEY  
(1904-1986)

December 14, 1990

Ms. Donna R. Searcy, Secretary  
Federal Communications Commission  
1919 M Street, N.W. -- Room 222  
Washington D.C. 20554

Dear Ms. Searcy:

On behalf of TV 14, Inc. ("TV 14"), licensee of television station WTLK,<sup>1</sup> Channel 14, Rome, Georgia, I am writing to request that the Commission provide expedited written clarification, in the form of a letter ruling,<sup>2</sup> that WTLK, Rome, Georgia, should be considered a station "local to and a part of" the Atlanta, Georgia television market.

**I. INTRODUCTION**

TV 14 has been the licensee of the Channel 14 facility since February, 1988. Rome is located within the Atlanta, Georgia Area of Dominant Influence ("ADI," No. 12), some 56 miles from Atlanta. Five Atlanta stations place a Grade B

<sup>1/</sup> Prior to November 16, 1990, Channel 14 used the call sign WAWA. For sake of simplicity, the Channel 14 facility will be referred to as WTLK throughout this letter.

<sup>2/</sup> TV 14 seeks the same clarification of the FCC rules as was provided Press Broadcasting's Clermont, Florida station in Press Television Corp., 67 RR 2d 240 (1989); and in Robert R. Thomas, Jr., 53 FCC 2d 394 (1975). The Administrative Procedure Act specifically authorizes the agency to provide the requested relief without requiring notice and comment rule making. 5 U.S.C. Sec. 553(b) and (d). Further, for the same reasons the Commission took affirmative action in Press Television Corp., the Commission should not defer action in this case pending the outcome of the Further Notice of Propose Rule Making adopted in Docket No. 87-24 ("Syndex II"). 3 FCC Rcd 6171 (1988). TV 14 does not believe a fee is required to accompany this request, but if it determined that such a fee is required, TV 14 will submit it upon request by the Commission.

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December 14, 1990  
Page 2

or better signal over Rome, and the Grade B signals of the other Atlanta stations fall just short of Rome. Appended hereto as Attachment A is a map showing the coverage contours of the Atlanta stations. The cable system serving WTLK's home community of license, Rome, carries six Atlanta television stations, including three independent stations, in addition to WTLK. Like it or not, WTLK has been forced to compete with the Atlanta stations since it initiated operations.

As an overshadowed station, WTLK has suffered large losses for almost three years of its operation.<sup>3</sup> With no reasonable prospect of improving its economic condition from its prior facilities, WTLK, in order to continue to provide Rome with its only local television service, has been forced to undertake the only logical step, given the competitive nature of the Atlanta television market -- improve its signal to Atlanta so it can compete directly in that market.

On January 30, 1989, TV 14 filed an application to move to a different antenna site and substantially increase the height of the WTLK tower. That application was approved on February 15, 1990, and the station stands ready to begin operation from its new antenna site. As the attached coverage map demonstrates, WTLK now places a City Grade signal over Atlanta, and places a Grade B contour over the vast majority of this television market which covers more than 60 counties in Georgia.

## II. THE PRESENT CASE IS EVEN MORE COMPELLING THAN THAT PRESENTED IN PRESS TELEVISION CORP.

In Press Television Corp., supra, the permittee of Channel 68, Clermont, Florida, sought a determination that Clermont be considered part of the Orlando-Daytona Beach-Melbourne-Cocoa television market for the purposes of the FCC's programming and exclusivity rules (47 C.F.R. Secs. 73.658; 76.92 et seq.). Press argued that the ratings services considered Clermont to be within the Orlando ADI, Press' Channel 68 facility covered most of the market, and that it could not survive unless it could be treated as an Orlando station for programming purchases.

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<sup>3/</sup> The adverse economic effects of the present situation have made it necessary to reduce staff by nearly fifty percent (50%), including over half of former station WAWA's local news organization.

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Page 3

The Commission found that:

given the structure of the Orlando-Daytona Beach-Melbourne-Cocoa market and the location of WKCF(TV) within it, that there can be little doubt that WKCF(TV) is in fact unavoidably competitive with other stations in the market and it would thus be anomalous to treat it as other than a market station for purposes of Section 73.658(m).

Id. at 242. Based on this analysis, the Commission granted a waiver of Section 73.658(m) to Press and declared Clermont de facto part of the Orlando market.

The stations which the rule was intended to protect . . . are overshadowed stations, with a limited overlap and a limited capacity to compete with the larger station. It would thus be entirely inconsistent with the intent and thrust of the rule to deny WKCF(TV) the relief requested.

Id. at 242-43 (citations and footnote omitted).

The present situation is even more compelling. In Press Television Corp., the Clermont station was located some 75 miles from Melbourne, one of the designated communities in that hyphenated market, and more than 60 miles from Daytona Beach and Cocoa, two of the other designated communities. Here, Rome is located some 56 miles from Atlanta, closer than Clermont was to three of the four cities in the Orlando-Daytona Beach-Melbourne-Cocoa market. Moreover, in Press Television Corp., WKCF(TV) did not even place a Grade B signal over Melbourne, and barely placed a Grade B signal over Cocoa. Here, WTLK's facilities place a City Grade signal over Atlanta.

Another compelling reason why the Commission granted Press relief was because the request came from an "overshadowed" station which was facing up to the fact that it had to compete directly in the Orlando-Daytona Beach-Melbourne-Cocoa market. The Commission found that the source of the request was important, concluding that had the request come from a major market station attempting to annex an overshadowed station against the overshadowed station's

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will, the outcome would have been different. Id. at 243, n.2.<sup>4</sup>

WTLK now faces that same dilemma and has taken the only steps it can to survive -- to compete directly with the Atlanta stations. To do this, however, it needs the same relief granted Press so it may compete on an equal footing with the Atlanta stations including local carriage status on area cable systems.<sup>5</sup> It needs to be officially considered part of the Atlanta market for purposes of the program exclusivity rules.

### III. WTLK'S DIVERSE VOICE REQUIRES PROTECTION WITHIN THE ATLANTA MARKET

This action is also critical given the highly innovative programming approach TV 14 is taking with WTLK. The station will not merely be the fifth independent in Atlanta, broadcasting whatever is left of the marketable syndicated programming after the three network affiliates and four established independents (including powerhouse WTBS) have exerted their considerable economic and market power to purchase the prime syndicated programming. Instead, WTLK will move toward a 24-hour per day all-talk television format, the first of its kind in the country.

<sup>4/</sup> This distinction is important for another reason, in that the Commission need not fear an avalanche of requests to declare outlying communities part of major television markets. If only the licensee of the overshadowed station can come forward, it will do so only if it has no other choice than to compete directly with larger market stations, forced to pay the larger market prices for programming but lacking the direct community identification helpful in obtaining more local ad dollars to offset its increased programming costs.

<sup>5/</sup> Granting the requested relief also will benefit the Atlanta stations. Currently, those stations are not allowed to buy exclusivity against WTLK, since Rome is located more than 35 miles from Atlanta. Thus, as the attached Atlanta Journal article points out, both WTLK and WSB are airing "Donahue." Declaring that Rome is part of the Atlanta market will allow WSB and other stations to purchase program exclusivity against WTLK, limiting duplication within the market. For this reason alone, the local stations should support TV 14's request.



Ms. Donna R. Searcy  
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Presently, WTLK's format includes the prime-time airing of syndicated talks shows such as "Donahue" and "Sally Jessy Raphael." WTLK will begin producing local talk programs hosted by local celebrities and dealing with local issues of public importance. Locally produced public affairs programming will not be done grudgingly, as is so often the case on most independent stations, but instead will constitute the very heart of WTLK's programming.

WTLK needs the protection of the Commission's programming and exclusivity rules in order to ensure that once it pays Atlanta rates for its programming, it is able to enjoy the same benefits enjoyed when Atlanta stations purchase similar programs. The denial of a waiver, similar to that granted in Press Television Corp., will result in the demise not only of the only television station licensed to Rome, but also the elimination of a highly diverse voice in the Atlanta market.

#### IV. ROME IS ALREADY CONSIDERED PART OF THE ATLANTA MARKET

The Commission concluded that relief was warranted in Press Television Corp., without need to revert to a full-blown analysis under Television Muscle Shoals, 48 RR 2d 1191 (1980), recon. denied, 87 FCC 2d 507 (1981). "[W]here there is a factual pattern as unambiguous as that here and the rule appears to be functioning in conflict with its intended purpose, we will not decline to act during the interim period until the matter is addressed in Docket 87-24." Press Television Corp., at par. 12. Even under a Television Muscle Shoals analysis, it is clear that Rome should be considered part of the Atlanta market.

1. Coverage. As discussed above, WTLK places a City Grade Signal over Atlanta. The Grade B contour of WTLK substantially overlaps the contours of all the Atlanta stations. Coverage has been the key factor in determining whether a community should be treated as part of particular market. Press Television Corp., supra; Television Muscle Shoals, 48 RR 2d at 1193 (each community outside the Grade B contour of the other's stations resulted in the Commission refusing to rehyphenate the market); Major Television Markets (Orlando-Daytona Beach-Melbourne-Cocoa), 57 RR 2d 685, 690-91 (1985); Major Television Markets (Fresno-Visalia, California), 57 RR 2d 1122, 1124 (1985) (Visalia, approximately 40 miles from Fresno, added to the market

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Page 6

because Fresno stations covered Visalia with a Grade B contour and vice versa). Under this paramount criterion, Rome should be considered part of the Atlanta market

2. The Ratings Services Already Consider Rome to Be Part of the Atlanta Market. The 1990 Arbitron list of television markets lists as the number 12 market "Atlanta (Rome)." Because viewing in Rome is dominated by Atlanta stations, Rome cannot exist as its own market, and the community is included not only in the geographic area of the Atlanta market (i.e. within the ADI), but also within its name on a parenthetical basis. This provides an additional reason to declare Rome officially part of the Atlanta market that did not even exist in for the Clermont station in Press Television Corp. (The Orlando market is listed by Arbitron as "Orlando-Daytona Beach-Melbourne (Leesburg), Florida").

3. The Atlanta Press Considers Rome to Be Part of the Atlanta Market. Appended hereto as Attachment D is a copy of a front-page article appearing recently in The Atlanta Journal, in which the impending modification of WTLK's facility is characterized as a "move into the Atlanta TV market." The article goes on to point out that viewers in Atlanta are able to receive Channel 14 over the air. The Atlanta addition of TV Guide already lists WTLK as a local station, and the Atlanta Journal has indicated that it will begin including WTLK as part of its local television listings soon after the beginning of the year.

V. IMMEDIATE ACTION IS NECESSARY  
TO KEEP WTLK ON THE AIR

TV 14 notes that Press filed its letter request on September 26, 1989, and received its ruling in less than 75 days, on December 11, 1989. Press stressed the need for an expeditious ruling, claiming it was experiencing huge losses for its just-activated station. TV 14's need is even more pressing. Unlike the newly activated facility in Clermont, TV 14 has been operating on Channel 14 for more than two years. The Rome station has incurred large financial losses over that period. Without the relief requested herein granted on an expedited basis, WTLK may be required cease operations in the very near future. TV 14 therefore requests that the Commission act with the same dispatch with which it considered Press' relief request.

Ms. Donna R. Searcy  
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Page 7

## VI. CONCLUSION

Rome is as much a part of the Atlanta market as the Commission ruled that Clermont is part of the Orlando-Daytona Beach-Melbourne-Cocoa market. Yet WTLK struggles in the untenable situation of having to compete directly against the other Atlanta stations without enjoying the benefits of being an Atlanta station (e.g. program exclusivity, cable exclusivity, local status for cable carriage). TV 14's attempt to bring an entirely new format to television should not be defeated just because of the present anomaly in the rules. The public interest manifestly is not served if the overshadowed nature of WTLK mandates that WTLK must fail. The Commission chose to deal with such an anomaly in Press Television Corp. by granting a waiver of its rules and declaring Clermont to be part of the Orlando hyphenated market.

TV 14 requests nothing more than to receive the same treatment, given the similar, and compelling, facts of this situation.

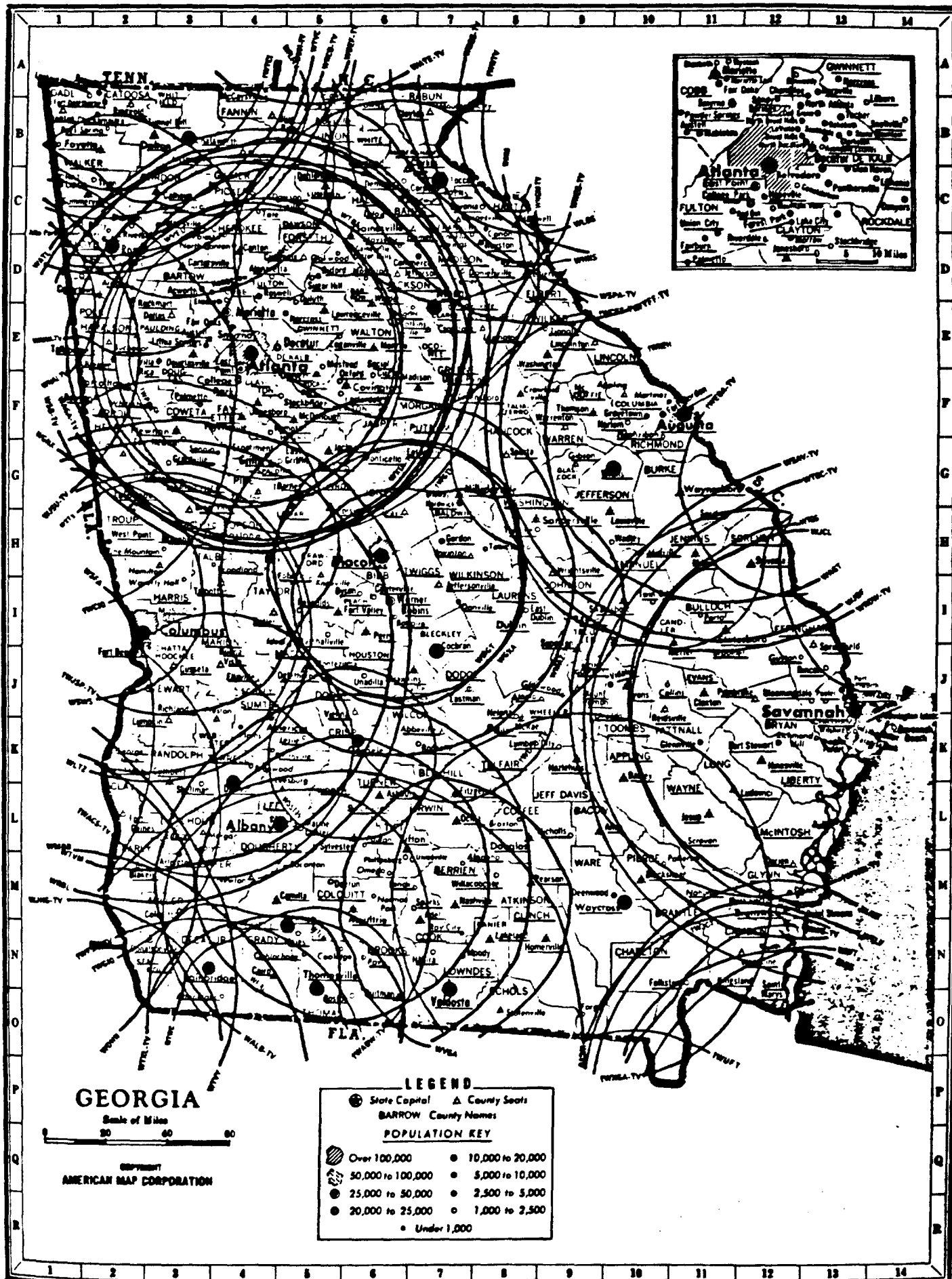
Sincerely,

  
Michael H. Bader

cc: Mass Media Bureau

**ATTACHMENT A**

**GEORGIA CONTOUR MAP**



**ATTACHMENT B**

**CITY GRADE CONTOUR MAP OF  
WTLK, ROME, GEORGIA**

ATTACHMENT C

GRADE B CONTOUR MAP OF  
WTLK, ROME, GEORGIA

**ATTACHMENT D**

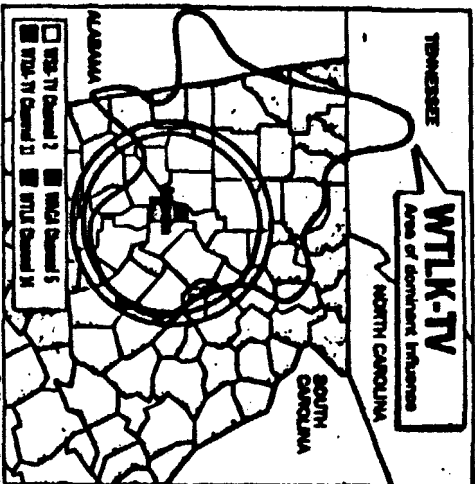
**ATLANTA JOURNAL ARTICLE**



**TENNESSEE**  
**WTWK-TV**

Area of dominant influence

NORTH CAROLINA



**New Channel 14 to get jump on WSB by showing 'Donahue' a day earlier**

**Do not adjust your acts.**

Channel 14 changed its call letters last week from WVAW to WTLX in preparation for its foray into the Atlanta TV market. Station President Hal Gore plans to move toward a 24-hour talk-show format by February.

Last-minute testing was still under way over the weekend, and Mr. Gore said he hopes to be on the air during prime time in Atlanta by midweek.

In fact, Channel 14 might steal some viewers from WUSA/Channel 2, which shows "Sally Jessy Raphael" at 9 a.m. weekdays and will begin airing "Doanbe" on Dec. 17. Channel 14, though, will have the prepped "Doanbe" a day



**Next Steps  
Plans to  
move Channel  
14 toward a  
24-hour talk-  
show format  
by February.**

earlier than Channel 2.

"It appears as though we do not have [exclusivity] because the program was licensed to the Rome station prior to the time that we got 'Doonbue,'" he said, adding that station officials have dealt with the show's distributor, Multimedia, about the duplication.

"As it stands now, we have a contract with both parties, who are very good clients of ours, and everybody is aware of everything," said Tom Shannon, vice president of production sales for Multiscreen.

"We feel we're filling a complete alternative for the market for the first time," he said.

## Backing lined up for using force in Iraq crisis

**From who reports**

## UNITED NATIONS - A

weeklong debate on the Persian Gulf crisis that began today in the U.N. Security Council is expected to climax Thursday with approval of a U.S.-drafted resolution that calls for the use of force against Iraq unless that country withdraws from Kuwait. Bush administration officials said that United States has mustered enough support in the council for the resolution.

The Dutch administration is pushing for a Jan. 1 deadline for Iraq to withdraw from Kuwait, but diplomats cautioned Sunday night that no final decision had been made. The New York Times reported that President Bush wants Kuwaiti claims of Iraqi abuses by the end of January.

► Iraq calls up farmers and threatens missile strikes if U.S. troops attack. **AAS**

Officials indicated that the resolution was unlikely to authorize "military force" in those words, but would choose some other formulation such as "all necessary means."

A senior U.S. official said Sunday that the Saudi administration would interpret such language as authorizing the use of force, just as it did after the Aug. 25 resolution authorizing a naval blockade of Iraq.

The United States gained promises of support for this resolution as the result of a strenuous lobbying of Security Council members by Secretary of State James A. Baker III and repeated public statements by Bush that, while not directly threatening war, emphasized the need to consider the use of force against Iraq.

The administration had

Two jackets were also spot and the Hurricanes had one match to play in the national survey of sports writers and broadcasters.

Teach, which trailed Miami by 11 points in last week's poll, got six more points than the Hurricanes this week. The Yellow Jackets (9-2) received 16 first-place votes and 1,235 points, while the Hurricanes (8-2) got two first-place votes and 1,122 points.

**Odyssey Oct-1-1**  
 In regular season, I  
 Sang, plus wins and  
 The unexpected  
 better position to win  
 grade have to their  
 Dori and the Yello  
 and Robinson, their

**Pete and Henry Swanson take 10-month-old Sean Paul while feeding a horse near their Auburn home. Many of the town's growth is influx of families with children.**

**Suburbs**  
Population increased from  
575 to 2,700 over the past  
20 years.

Increased  
10 years.  
17,600 cos  
29 daily.  
Nervos

# Free trade pact tops Bush trip to Mexico

**INSIDE**

## Taller and with business leaders

**Man, 20, sought  
in slayings of  
two children**

**Wal:  
Poli:  
face:**